

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 22-1253

September Term, 2023

EPA-FL0A00001

Filed On: December 7, 2023

Food & Water Watch, et al.,

Petitioners

v.

Environmental Protection Agency and
Environmental Appeals Board,

Respondents

Consolidated with 23-1092

BEFORE: Millett, Pillard, and Garcia, Circuit Judges

ORDER

Upon consideration of the motion for partial remand without vacatur, which includes a request to hold the remainder of these consolidated cases in abeyance, the responses thereto, and the reply, it is

ORDERED that the motion be granted and that the portions of National Pollutant Discharge Elimination System Permit No. FL0A00001 that are potentially subject to modification in the pending agency proceedings be remanded without vacatur. Respondents have provided a reasoned explanation for the requested remand, the motion is made in good faith, and granting it will not unduly prejudice the petitioners. See generally Cadillac of Naperville, Inc. v. NLRB, 14 F.4th 703, 719 (D.C. Cir. 2021) (per curiam); Allied-Signal, Inc. v. United States Nuclear Regulatory Commission, 988 F.2d 146, 150-51 (D.C. Cir. 1993). It is

FURTHER ORDERED that the remaining aspects of these consolidated cases be held in abeyance pending further order of the court. Respondents are directed to file a status report within 90 days of the date of this order and at 90-day intervals thereafter. The parties are directed to file motions to govern future proceedings in these cases within 30 days after completion of the proceedings on remand or one year from the date of this order, whichever is earlier.

Per Curiam